

That testator had also, previously to the time of his last illness, deposited with petitioner a written paper signed by him, shewing an allotment of portions of his real estate among his children and heirs, which is similar to the entries and allotments made in the book referred to, but does not include all the parcels of land therein described, nor the other charges made therein.

That this book and paper writing (and the deeds hereinafter mentioned) contain all the allotments or dispositions of his estate made by the testator in connection with his Will, which have come to the possession of petitioner, or of which he has any knowledge; with the exception of a book alleged by petitioner's co-executor as having been given to him by the testator, which petitioner has not seen, nor was it even spoken of by the testator to him.

That three deeds signed by the testator, dated in March, 1854, and made in favor of his sons Gilbert, Rufus, (and James, now deceased), conveying certain portions of his real estate to them, were, some time previous to the death of the testator, deposited by him with petitioner, with instructions that they were to be delivered to the said parties after his death and although the consideration mentioned in such deeds is natural love and affection, testator informed petitioner that the amount they were to be charged therefor was mentioned in the book so kept by him, which book does contain entries placing a value on the lands described in the said deeds.

That some months previous to the time of his death, the testator directed petitioner to prepare further deeds for conveying certain other portions of his marsh lands to his children and grandchildren, and these deeds, so written, were afterwards shewn to petitioner by the testator, signed by him, and petitioner was informed by testator that they were executed by him as executors, to be delivered and take effect after his death. Such deeds, six in number, bear date the fourteenth day of January, 1864; one a joint deed to his two sons Gilbert and Rufus, and his daughter Jane; one to the children of his deceased son James; one to the children of his deceased son Amos Thomas, and one to each of his three daughters, Ann, Mary and Sarah; which deeds during his last illness, the testator informed petitioner, were then in the keeping of his niece, Emma Seaman, from whom petitioner was directed by him to receive them, for the benefit of the parties to whom they professed to be executed. That such deeds were so received, and with the first mentioned deeds to testator's sons, have been placed on record by petitioner.

Your petitioner is desirous to submit these facts in connection with such Will, as affecting the administration and distribution of the assets of the testator's estate, by way of petition to your Lordship, and asks your Lordship's opinion, advice, and direction as to the proper course of procedure thereunder, and especially on the following points:—

1st. As to the validity and operation of the codicil to the testator's Will, executed on the twenty-second day of October, A. D. 1862, witnessed by G. W. Cutter and Chas. C. Seaman.

2nd. Whether the book referred to is legal and valid and to what extent, and in what manner the charges and entries therein made will operate in the distribution and settlement of the testator's estate

3rd. Whether or no the deeds above mentioned, or either of them, are so executed as to convey the real estate therein described, and if so executed,